

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WESSLEY LAROQUE, et al., on behalf of
themselves and other employees similarly situated,

Plaintiffs,

- v -

DOMINO'S PIZZA, LLC,

Defendant.
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ORDER

CV-06-6387 (DLI)(VVP)

The parties have submitted a Stipulation and Order of Confidentiality ("Proposed Order") for endorsement by the court which seeks to protect several categories of information that will be produced in discovery from public dissemination: trade secrets, confidential business or personal information, and identifying information concerning non-parties. In reviewing such proposed orders, the court is guided by the requirements of Rule 26(c) of the Federal Rules of Civil Procedure which permits the entry of such orders "for good cause shown." Good cause for entry of the Proposed Order exists, by definition, with respect to trade secrets, confidential personal information, and identifying information. The category described as "confidential business information," however, is another matter. That description does not provide sufficient specificity as to what may be covered and thus affords discretion to counsel and the parties to designate any documents and other information to be subject to the order without a showing and judicial determination of good cause as required by Rule 26(c) of the Federal Rules of Civil Procedure.

The court has therefore endorsed the Proposed Order, but has stricken the words "business or" from the second line of the first numbered paragraph, and has modified the third numbered paragraph accordingly. To the extent that a party wishes to make business

information, or any other information, subject to the Order, an application may be made to the court which identifies the documents or other information that would become subject to the order with sufficient specificity to permit the court to determine whether the items identified qualify for protection, and if the need for protection is not readily apparent from the description of the documents, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
September 16, 2008